

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

CENTER FOR BIOLOGICAL  
DIVERSITY,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY; GINA  
McCARTHY, Administrator; and DENNIS  
McLERRAN, Region 10 Administrator,  
United States Environmental Protection  
Agency,

Defendants.

No. 2:13-cv-01866-JLR

**AMICI CURIAE'S REPLY IN SUPPORT  
OF MOTION FOR LEAVE TO FILE  
REPLY BRIEF**

NOTE ON MOTION CALENDAR:  
November 7, 2014

*Amici curiae* Western States Petroleum Association and American Petroleum Institute (the "Associations") respectfully submit this reply to the opposition filed by the plaintiff. *See* Dkt. 60. The Associations do not dispute that courts generally limit the role of *amici*. Indeed, the Court so provided in its order granting leave to the Associations to participate as *amici* and limiting the Associations to one brief unless leave to file a reply was obtained. *See* Dkt. 22 at 21. Contrary to the plaintiff's implication, Ninth Circuit rules are not binding in this matter and the Court, in its discretion, may use those rules as guidance or proceed in the manner it deems just and appropriate under the circumstances. *See, e.g., Salmon Spawning & Recovery Alliance v. Lohn*, No. 06-1462, 2008 U.S. Dist. LEXIS 30809 at \*4, Dkts. 22 and 36 (W.D. Wash. Mar. 20, 2008) (*amici* reply brief permitted by court order and filed in case).

AMICI'S REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE REPLY BRIEF  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2014, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court – Western District of Washington by using the CM/ECF system. Participants in this Case No. 2:13-cv-01866-JLR who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Ryan P. Steen

Ryan P. Steen

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